



State of Utah

Department of  
Natural Resources

ROBERT L. MORGAN  
*Executive Director*

Division of  
Oil, Gas & Mining

LOWELL P. BRAXTON  
*Division Director*

OLENE S. WALKER  
*Governor*

GAYLE F. McKEACHNIE  
*Lieutenant Governor*

August 12, 2004

Dan Powell  
Emery Industrial Resources  
148 South 100 East  
Spanish Fork, Utah 84660

Stephen Powell  
P.O. Box 253  
Castle Dale, Utah 84513

Subject: Removal of Materials, Emery Industrial Resources, Inc. Cherry Hill Park Quarry, M/049/021, Utah County, Utah

Dear Messer's Powell:

Pursuant to agreements, the Division has allowed removal of stockpiled material from the Cherry Hill quarry so long as there is sufficient material remaining to perform the reclamation work at the site. Based on the Notice of Intention (and reclamation plan) that had been submitted, approximately 32,000 cubic yards of overburden and soil material will be needed. Using estimates provided by Larry Nelson, the Division has determined that all remaining stockpiled materials (whether they be classified as soil, overburden or product) will be needed to complete the reclamation plan. Therefore, until such time that reclamation work (regrading) has been completed, you are not authorized to remove any additional material from the site. If at such time it is determined that volume calculations were not accurate, and that there still is excess material on site, additional material could then be removed. **Please note** the Division must inspect the regrading work and make the determination that the excess material exists prior to any additional removal of materials.

With regards to your request to screen additional material and stockpile product in anticipation of there still being excess materials on site, the following is offered:

1. This is risky since you may run up significant costs screening the material and may be required to re-mix this material to use for reclamation.
2. If the material is taken from the site (even by other contractors) without the Division's written authorization, enforcement action may be taken and fines/penalties assessed. Material shortfall will be required to be made up from other sources.



Dan and Stephen Powell

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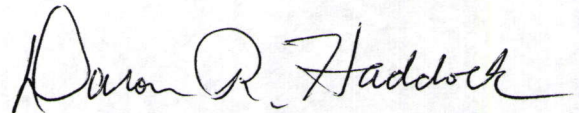
M/049/021

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If you elect to proceed with screening knowing the risks, then you may do so. However, by allowing you to proceed with screening the Division makes no promises or indications that it will approve further removal. There is no reason to expect that the Division will approve removal of the screened material except on the condition that there is enough material to take care of the necessary reclamation of the site.

Please don't hesitate to call if you have any questions

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock". The signature is fluid and cursive, with the first name "Daron" and last name "Haddock" being more prominent than the middle initial "R".

Daron R. Haddock  
Permit Supervisor  
Minerals Regulatory Program

DRH:jb

cc: Steve Alder, AAG

Sidney Balthasau Unrau, Esq.

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